

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LLOYD E. WESTBROOK,

Plaintiff,

vs.

TYSON FOODS, INC.,

Defendant.

8:16CV344

AMENDED PROGRESSION ORDER

IT IS ORDERED that upon the parties joint motion for extension of case progression deadlines, (Filing No. 25), the Final Progression Order (Filing No. 14) is amended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, United States District Judge, in the Special Proceedings Courtroom, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at 9:00 a.m. on June 18, 2018, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on June 5, 2018 at **9:00 a.m.**, and will be conducted by internet/telephonic conferencing. Counsel shall use the Case Conferencing Instructions located at Filing No. 15 to participate in the Pretrial Conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on June 1, 2018.
- 3) A telephonic conference with the undersigned magistrate judge will be held on February 6, 2018 at **10:00 a.m.** to discuss the status of case progression and potential settlement. Counsel shall use the

conferencing instructions located at Filing No. 15 to participate in the call.

- 4) The deadline for completing written discovery under Rules 33 through 36 of the Federal Rules of Civil Procedure is January 5, 2018. Motions to compel Rule 33 through 36 discovery must be filed by January 19, 2018 **Note:** Motions to compel shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.
- 5) The deposition deadline is February 7, 2018.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is March 9, 2018.¹
- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is January 5, 2018.
- 8) Motions in limine shall be filed five business days prior to trial. It is not the normal practice to hold hearings on motions in limine or to rule on them in advance. Counsel should plan accordingly.

Dated this 3rd day of July, 2017.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹ To facilitate the court's review, the parties are strongly encouraged to include hyperlinks to the evidence, CM/ECF record, and all legal authorities cited within their briefs filed in support of, or in opposition to, any motions filed. See NECivR [7.1](#). For instructions, see "Hyperlinking Information" at <http://www.ned.uscourts.gov/attorney/electronic-case-filing>.